

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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TISSUE FALLS TECHNOLOGY CORP. and  
OCONTO FALLS TISSUES, INC.,

Plaintiffs,

v.

Case No. 07-C-771

FACTORY MUTUAL INSURANCE CO.,

Defendant.

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**ORDER**

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In a July 17 order, this court ordered AON Risk Services, Inc. to show cause why it should not be held in contempt for violating a subpoena to produce documents. In response, AON states that it failed to respond to the subpoena due to a mixup in its legal department, and it details a series of commonplace snafus (vacations, missed communications, etc.) that led to the problem.

Defendant Factory Mutual suggests that it still has not received all the records it believes AON possesses, but it seems clear that AON is currently representing to counsel (and the court) that it has now produced everything it has. I am satisfied that AON should not be held in contempt for what seems to be garden-variety inadvertence. Moreover, it seems clear that the defendant has not been prejudiced other than the filing of the present motion, and in my view \$4,884 is not a reasonable amount to spend on such a motion, especially when better communication could have obviated the problem in the first place. Accordingly, the motion for contempt is **DENIED**. The motion for leave to file a reply brief is **GRANTED**. The unopposed motion to strike the trial date and submit a new scheduling order is **GRANTED**, and the March 1, 2009 trial date is to be

removed from the calendar. The parties are to file a proposed amended scheduling order within 21 days of the date of this order; the court will set a date for trial if it deems it advisable.

Dated this 5th day of August, 2008.

s/ William C. Griesbach  
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William C. Griesbach  
United States District Judge